

Appl. No.: 10/528,458
Reply to Office Action of: 02/11/2009

REMARKS

The abstract has been amended above as requested by the examiner.

New claims 10-20 have been added above to claim the features recited therein. Claims 1, 2 and 4 have been amended above to clarify the claims; not for limiting the scope of the claims.

Claims 1-9 were rejected under 35 U.S.C. §102(e) as being anticipated by Nagata et al. (US 6,527,187). The examiner is requested to reconsider this rejection.

Claim 1 claims that the second link is pivoted to the body and operatively mechanically connected to the first link. Claim 1 also claims that the second link is rotatable between a normal position and an operating position relative to the normal and operating positions of the first link. In Nagata et al. the stopper 118 is part of the actuating element 105 (see column 5, lines 17-20). Stopper 118 rotates with the actuating element 105. Stopper 118 is not a separate piece from the actuating element 105 and does not move relative to the actuating element 105. This can also be seen in Fig. 5. Stopper 118 is part of actuating element 105; not a second link. In the first embodiment of Nagata et al. the magnetic head 110 detects magnetic data of a card and electrifies solenoid 116, to attract plunger 117 hence to release shutter 105/118. There are no two links as claimed in claim 1 of applicant's invention.

Fig. 5 and column 7, lines 18-30 describe another embodiment having a lever 124 rather than using the magnetic head 110 as

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a detector. However, there is no disclosure or suggestion of that lever 124 being operatively connected to the actuating element 105. The lever 124 merely appears to be used to activate the solenoid 116. The features of claim 1 are not "anticipated" by Nagata et al.

Please also note that claim 1 claims that the actuator is adapted to actuate the first link by rotation from a normal position toward an operating position upon detecting existence of the correct thickness of a partially-inserted card. There is no disclosure or suggestion in Nagata et al. that the actuating element (105 or 121) has an actuator adapted to actuate the actuating element (105 or 121) by rotation from a normal position toward an operating position upon detecting existence of the correct thickness of a partially-inserted card. The features of claim 1 are not "anticipated" by Nagata et al.

The examiner is directed to MPEP 2131. Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference (emphasis added). In re Paulsen, 30 F.3d 1475, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994). Anticipation requires identity of the claimed invention (emphasis added). Tyler Refrigeration v. Kysor Indus. Corp., 777 F.2d 687, 227 USPQ 845 (Fed. Cir. 1985). For anticipation, there must be no difference between the claimed invention and the reference disclosure (emphasis added). Scripps Clinic & Res. Found. v. Genentech, Inc., 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991). The corollary of the rule is that absence from the reference of any claimed

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element negates anticipation. Kloster Speedsteel AB v. Crucible, Inc., 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986).

In the present case, the examiner has not proven that there is identity between the cited references and the features of claim 1. In the present case, the examiner has not proven that each and every element of the claimed invention is disclosed in the cited reference. In the present case, the examiner has not proven that there are no differences between the claimed invention and the reference disclosure. The cited reference does not "anticipate" claim 1. Nor is there any suggestion to modify Nagata et al. into applicants' invention as claimed in claim 1. Claim 1 is patentable and should be allowed.

Though the claims dependent upon claim 1 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 1. However, to expedite prosecution at this time, no further comment will be made.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issue remain, the examiner is invited to call applicants' attorney at the telephone number indicated below.

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Respectfully submitted,

Mark F. Harrington

Mark F. Harrington (Reg. No. 31,686)

4/20/09

Date

Customer No.: 29683
Harrington & Smith, PC
4 Research Drive
Shelton, CT 06484-6212
203-925-9400

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